

The Toronto Housing Act, Statutes of Ontario, 1920

STATUTES OF ONTARIO, CANADA

10 - 11 GEORGE V.

1920.

AN ACT TO AUTHORIZE THE CORPORATION OF THE CITY OF TORONTO
TO ERECT DWELLING HOUSES.

Assented to June 4th., 1920.

WHEREAS the housing accommodation in the municipality of the City of Toronto is insufficient to meet the needs of the inhabitants thereof; and whereas the Corporation of the said City has petitioned for an Act to empower it to acquire land and to erect dwelling houses to supply the said need and to authorize the municipality to borrow from time to time such moneys as it may require to meet the cost and expenses of the erection of such houses, and whereas it is expedient that the said work should be undertaken through a Commission; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. This Act may be cited as The Toronto Housing Act, and shall apply to the Municipality of the City of Toronto only.

2. In this Act, -

- (a) "Commission" shall mean the Housing Commission appointed by the Corporation for the purposes of this Act;
- (b) "House" shall include all necessary improvements and conveniences;
- (c) "Corporation" shall mean the Corporation of the City of Toronto.

3. The Corporation may from time to time borrow the full cost of the lands acquired and of the houses erected by the Commission under the provisions of this Act, and all moneys required to enable the Commission to make the loans provided by section 7 of this Act and payments on account the cost of such lands and houses and of such loans shall be made by the Corporation to the Commission from time to time during the progress of the work on estimates or requisitions furnished by the Commission to the Corporation.

4. (1) The Corporation, for the purposes of this Act, may, without obtaining the assent of the electors, pass by-laws from time to time for borrowing on the general credit of the Corporation such moneys as the Commission may require, and may agree with any bank, person or corporation for temporary advances upon such security as may

be agreed upon and may issue Toronto consolidated loan debentures for the payment of the moneys borrowed.

(2) Any money borrowed by the Corporation under the provisions of this Act shall not be counted in ascertaining whether the limit of its borrowing powers has been reached under any general or special Act.

5. (1) The Council of the Corporation shall by by-law forthwith appoint a commission, to be known as "The Toronto Housing Commission," for the purpose of carrying out the provisions of this Act.

(2) Such Commission shall be composed of five persons resident in the municipality, who are not members of the Council, and shall hold office for five years and until their successors are appointed.

(3) In case of a vacancy in the office of a member before the expiration of his term, the Council shall appoint a person to fill the vacancy for the unexpired term.

(4) The members of the Commission shall receive no salary or other remuneration and shall be eligible for reappointment.

(5) The Commission shall elect a chairman, and a vice-chairman who shall preside at all meetings of the Commission in the absence of the Chairman.

(6) The Commission shall be a body corporate and shall have a corporate seal, and all agreements of sale, conveyances and other documents shall be executed by the chairman or by the vice-chairman and by the secretary, and have the corporate seal attached thereto, but where by an oversight the seal has not been affixed, it may be affixed at any time afterwards and when so affixed the agreement of sale, conveyances or other document shall be as valid and effectual as if it had been originally sealed.

(7) The Commission may lease suitable premises for offices and may appoint and employ such officers, solicitors, assistants, clerks, servants and persons as it may deem necessary to carry out the objects and provisions of this Act, and may allow them such compensation or salaries as it deems fitting, and require and take from them such security for the due and faithful performance of their respective duties as it deems necessary; and the city clerk, commissioner of works, assessment commissioner, the assessors, the treasurer, city architect, and other officers of the Corporation shall, at the request of the Commission and under the direction of the Board of Control do and perform all such duties under this Act as they would do and perform for the Corporation in the like case if the carrying out of the provisions of this Act had been conferred on the Corporation.

(8) The money required by the Commission from time to time for the purpose of this Act, shall be paid by the treasurer of the Corporation to the Commission on the certificate or order of the Commission, and the Commission shall be responsible for the proper expenditure thereof.

(9) The treasurer shall keep separate accounts of all moneys borrowed by the Corporation for the purposes of this Act.

6. The Commission may erect, on land acquired by it within the limits of the municipality, dwelling houses of not more than seven rooms of a class suitable for the accommodation of persons who have been on active service during the present war with the naval or military forces of Great Britain or her allies, and of working men and working women and men and women of moderate means who are residents of the City of Toronto.

7. (1) The Commission may make loans for the purposes of this act on such terms and conditions as it may determine, except that the rate of interest charged shall not exceed the rate at which the Corporation may be able to secure moneys hereinbefore authorized to be borrowed, to -

(a) A private person who desires to erect a house for his own occupation on land owned by him; and in such case the applicant shall convey his lands to the Commission.

(b) A private person who desires to erect a house for his own occupation on land owned by the Commission.

(2) The Commission may, if it thinks proper, require any person to furnish any security or make any payment or comply with any condition required by it.

8. (1) No loan made by the Commission shall be made upon any land or house not situate within the municipality.

(2) The person to whom a loan is made shall become a purchaser from the Commission under agreement of sale.

9. (1) Houses erected by the Commission may be sold by it to any person mentioned in section 6 of this Act at such price and on such terms as the Commission may determine, except that the rate of interest on any unpaid balance shall be in all cases computed at a rate not to exceed the rate at which the Corporation may secure borrowed moneys.

(2) The provisions of section 48 of The Registry Act, as to the registration of mortgages endorsed "not to be recorded in full," shall apply mutatis mutandis to agreements of sale under this Act.

10. All houses sold by the Commission shall be sold at actual cost as determined by the Commission, and in arriving at such cost the Commission shall be entitled to add to the actual cost of the land acquired, and the buildings erected thereon all costs, charges, fees and other expenses incurred by the Commission in the carrying out of the provisions of this Act.

11. (1) The houses erected or purchased under the provisions of this Act shall not be sold, rented or leased except with the written approval of the Commission, and any lease, agreement for lease, or for rent or sale made without such approval shall be null and void.

(2) This section shall not apply where the purchase money or the loan has been paid in full.

12. (1) For the purpose of enforcing payment of the instalments due under any agreement of sale and of entering into possession after default, the Commission shall have all the remedies which a landlord has against a tenant under The Landlord and Tenant Act, and the purchaser shall be deemed a tenant to the Commission.

(2) Where default has been made in any payment, or in any covenant or provision under an agreement of sale, and the default continues for one month and the purchaser refuses to give up possession to the Commission, the Commission may by order authorize and require any constable, with such assistance as he may need, to enter on and take possession of the premises for and on behalf of the Commission.

13. (1) The Commission may acquire by purchase, or otherwise, or may without the consent of the owner enter upon and take land for the purposes of this Act.

(2) The compensation to be paid for any land taken shall be determined by a sole arbitrator who shall be one of the judges for the time being of the County Court of the County of York, and in case the Commission and the owner of the land taken cannot agree upon such arbitrator, the Chief Justice of Ontario shall determine which county judge shall be appointed.

(3) The arbitrator may determine the compensation to be paid for the land taken in a summary manner upon seven days' notice in writing served upon the owner or other person interested in the land, and after hearing what is alleged by all parties and without hearing any other evidence, unless the arbitrator decides to do so, and the award so made shall be final and binding and shall not be subject to appeal.

(4) The compensation to be paid for the land taken shall be the amount which the arbitrator determines is its fair market value, and nothing shall be allowed by reason of the land being available for the purposes of this Act, or for any increase in value by reason of the Commission contemplating the construction of houses on it or providing better means of access or transportation thereto, or by reason of the fact that the land is being taken.

(5) In determining the compensation to be paid, the arbitrator shall take into consideration the relative benefit or injury occasioned by the severance of the land of any person.

(6) The arbitrator may, if he thinks proper, retain the service of a valuator for the purpose of assisting in fixing the amount of the compensation.

(7) Except as otherwise herein provided, the provisions of The Municipal Act as to expropriation and compensation shall mutatis mutandis apply.

14. No loan shall be made to any person, nor shall any house be sold to any person, nor shall any agreement of sale be assigned to any person, under the provisions of this Act, who is not a British subject.

15. The Commission may sell and dispose of any of its vacant land or other assets not required by it.

16. The Corporation shall be responsible for and shall pay to the Commission the deficit, if any, of the Commission during the year.

17. The Commission shall, at the end of each calendar year, make a full and complete report to the Corporation of its operations during the year.

18. This Act shall be deemed to have come into force and to have taken effect on, from and after the first day of May, 1919, and all acts, matters and things done and performed within the scope of this Act by the persons who have been requested by the Corporation to act as members of the Commission and who have, since the first day of May, 1919, been acting as trustees for the Corporation in carrying out the objects of this Act, are hereby validated and confirmed.

19. By-law No. 8122 of the said Corporation, passed on the ninth day of May, 1919, set forth in Schedule "A" hereto is hereby validated and confirmed and the said Council is hereby declared to have had authority to pass the same.

20. No irregularity in the form of any of the debentures issued under the authority of this Act or in any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the Corporation of the City of Toronto for the recovery of the amount thereof or interest thereon or any part thereof.

SCHEDULE "A"

No. 8122 A By-law

TO APPOINT "THE TORONTO HOUSING COMMISSION" AND TO AUTHORIZE
THE BORROWING OF MONEY FOR THE PURPOSES THEREOF.

(Passed May 9th., 1919).

Whereas the Corporation of the City of Toronto intends to apply to the Legislature of the Province of Ontario at its next session for an Act authorizing the said Corporation to erect dwelling houses on lands within the Municipality to relieve the present pressing necessity for more housing accommodation and to carry out the provisions thereof through a Commission to be known as "The Toronto Housing Commission;"

And whereas it is deemed necessary that building operations should commence at the earliest possible moment and be carried on throughout the present year;

And whereas it is expedient to appoint the said Commission and to make financial arrangements to carry on the said work forthwith;

Therefore the Council of the Corporation of the City of Toronto enacts as follows:

Sir John C. Eaton, Sir James W. Woods, Mr. Frank A. Rolph, Mr. J. Allan Ross, and Mr. H. H. Williams are hereby appointed as members of the Toronto Housing Commission.

The said Commission may forthwith enter upon the duties and may exercise all the powers proposed to be conferred upon it by the Act to be passed by the Legislature of the Province of Ontario at its next session as fully and effectually as though the said Act had been enacted at the date of the passing hereof, and all the provisions of the said proposed Act shall be binding upon the said Commission.

Any three members of the said Commission may take hold and convey real estate in their joint names as trustees for the said Commission and, upon the incorporation of the said Commission, the said trustees shall convey all properties and securities then standing in their names to the said Commission, and the duties and powers of the said trustees shall thereupon cease and all rights, powers and assets shall thereupon become vested in and may be exercised by the Commission.

4.

The Mayor of the said City and the City Treasurer are hereby authorized to borrow from time to time from any person or persons, bank or banks, in Canada or elsewhere, or from any financial institution, such sum or sums as may be required by the said Commission during the year 1919, and until the said proposed Act comes into effect; and the City Treasurer is hereby authorized to advance to the said Commission, from the moneys so borrowed, or from any funds on hand, such sum or sums from time to time as the Commission may require in carrying into effect its powers and duties hereunder.

The said Mayor and Treasurer may draw, make and deliver promissory notes, bills or other securities of the Corporation evidencing the amounts borrowed from time to time under this By-law, or may borrow the said sum or sums by way of overdraft of the Corporation's account or accounts, with any bank or banks, and such notes, bills or other securities drawn on such bank or banks shall be countersigned by the City Auditor.

Upon the passing of the said proposed Act by the said Legislature all moneys borrowed under the authority of this By-law, or otherwise advanced, may be consolidated and debentures issued under the said Act for the purpose of liquidating all outstanding securities issued in pursuance hereof, or other liabilities incurred.

T. L. CHURCH
Mayor.
Council Chamber, Toronto, May 9th., 1919.

W. A. LITTLEJOHN
City Clerk.
(L.S.)